

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD JUNE 19, 2000 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Larry L. Weeks, Chairman; Mr. Joe Winkelmann, Vice Chairman;  
Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham;  
Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla,  
County Attorney

**AGENDA REVIEW**

The Board of Supervisors and staff reviewed the agenda.

**FAUQUIER COUNTY CODE AMENDMENT – REQUIREMENT FOR APPLICANTS TO SUBMIT TO FINGERPRINTING TO OBTAIN A CONCEALED WEAPONS PERMIT**

A work session was held to receive comments from the Sheriff regarding the proposed Fauquier County Code amendment regarding the requirement for applicants to submit to fingerprinting to obtain a concealed weapons permit.

**DISCUSSION OF THE PROPOSED MANAGEMENT ANALYST POSITION**

A work session was held to discuss the proposed Management Analyst position.

**DISCUSSION OF THE CARTER RUN HUNTING LEASE**

A work session was held to discuss the Carter Run Hunting Lease. The Board of Supervisors agreed to hold a work session at the July meeting to review and discuss alternative uses for the property.

**EMERGENCY RESPONSE PLAN – VIRGINIA POWER/REMINGTON COMBUSTION TURBINE PLANT**

A work session was held to discuss the emergency response plan for the Virginia Power Combustion Turbine Plant in Remington.

**CLOSED MEETING**

Mr. Winkelmann moved to go into a closed meeting pursuant to Virginia Code Section 2.1-344(A)(1) for discussion of personnel matters; Section 2.1-344(A)(3) for discussion or consideration of the use of real property for public purposes; and Section 2.1-344(A)(7) for consultation with legal counsel pertaining to potential litigation. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon***

***McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

Upon reconvening from the closed meeting, Mr. Winkelmann moved to adopt the following certification. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

#### **CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 19<sup>th</sup> day of June 2000, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

#### ***VOTE:***

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Absent During Meeting: None***

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

#### **ADOPTION OF THE AGENDA**

Mr. Winkelmann moved to adopt the agenda subject to the following changes. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

- Delete from the Consent Agenda Approval of the Minutes of the May 15, 2000 Board of Supervisors Meeting
- Delete from the Consent Agenda A Resolution to Support the Transfer of Funds to Purchase Playground Equipment for the James G. Brumfield Elementary School
- Remove from the Consent Agenda A Resolution Directing the County Administrator to Schedule a Public Hearing to Receive Citizen Comments on a Proposed Ordinance Adding Article VI, Section 9-23 Entitled Fire Prevention Code to Chapter 9 of the Code of Fauquier County for review and recommendation by the Public Safety Committee and the Finance Committee
- Add to the Consent Agenda A Proclamation to Honor Fauquier County's Korean War Veterans; A Resolution to Establish the Scope of Work, Timeframe of Program and Organizational Structure of the Historic Resources Committee; A Resolution to Approve a Transfer Between School Division Budget Categories; A Resolution Directing the Sports Field Site Acquisition Committee of the Board of Supervisors to Initiate Negotiations for the Acquisition of a Sports Field Site for the Central Area of the County of Fauquier; and A Resolution to Authorize the Chairman of the Board of Supervisors to Sign an Employment Agreement with G. Robert Lee for Services as Fauquier County Administrator.

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

## **CITIZENS TIME**

- Barbara Severin commended the Board of Supervisors on adoption of the lighting ordinance which she felt was written to everyone's satisfaction. Ms. Severin gave the Board members a copy of a magazine article on astronomy.
- Kathleen King said that she was upset about a quote in the newspaper from Chairman Weeks about his being surprised about the nonattainment status. Ms. King reminded Board members that she warned the Board about the potential at the time Virginia Power was being approved. She said that she felt the Board of Supervisors should protect the public's health and not try to obtain exemption from the regulations.

## **CONSENT AGENDA**

Mr. Winkelmann moved to adopt the following Consent Agenda items. Ms.

McCamy seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**A Proclamation to Honor Fauquier County's Korean War Veterans**

## **PROCLAMATION**

### **A PROCLAMATION TO HONOR FAUQUIER COUNTY'S**

#### **KOREAN WAR VETERANS**

WHEREAS, many citizens of Fauquier County, Virginia, answered their nation's call to aid an ally, the Republic of Korea, when that nation was invaded by North Korean forces 50 years ago this month; and

WHEREAS, the American soldiers, sailors and airmen serving in the United Nations forces sent to Korea successfully halted the aggression of the North Koreans and Communist Chinese forces, and restored the border at the 38<sup>th</sup> Parallel; and

WHEREAS, over 33,000 Americans were killed in action in the Korean War, including 10 men from Fauquier County; and

WHEREAS, nearly 10,000 Americans suffered for periods of up to 30 months in the hands of the enemy as prisoners of war, including four men from Fauquier County; and

WHEREAS, even to this day, over 8,100 American servicemen are still carried as missing in action in Korea; including one man from Fauquier County; and

WHEREAS, the Republic of Korea exists today as an ally of the United States because of the valor and sacrifice of those who went to war "To Defend a Country They Never Knew, and a People They Had Never Met;"; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 19th day of June 2000, That the Board of Supervisors and citizens of Fauquier County, Virginia, recognize and honor those who served in the Korean War during the Commemoration period that begins on June 25, 2000.

FY 2000 and FY 2001 Budget Transfers and Supplemental Appropriations in the Amount of \$913,716

RESOLUTION

A RESOLUTION TO TRANSFER & APPROPRIATE

FUNDS IN THE AMOUNT OF \$913,716

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the operation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, funds needed to increase a department's budget must come from internal adjustments or from an outside source such as State, Federal, grant or other local sources such as the County's Reserve for Contingency; and

WHEREAS, the Sheriff's Office requested appropriation of \$174 for Prisoner Extradition from State funding, and \$2,000 for DMV Mini-Grants from State funding; and

WHEREAS, Joe Winkelmann, Chairman of the Finance Committee requested appropriation of \$150,000 as reserve for possible legal action from Real Estate Tax Revenue; and

WHEREAS, the School Division requested appropriation of \$16,854 from State funding for the Individualized Student Alternative Education Plan (ISAEP) and \$570,000 from School Division budget to the Capital Improvements Plan (CIP) for priority items; and

WHEREAS, the Clerk of the Circuit Court requested an FY 2001 appropriation of \$16,940 from State funding for the Library of Virginia Grant; and

WHEREAS, Community Development requested appropriation of \$6,000 from the Capital Improvements Plan (CIP) for Support of Engineering and Consulting Services; and

WHEREAS, Juvenile Court Services requested appropriation of \$5,854 from State funding for the Juvenile Accountability Incentive Block Grant; and

WHEREAS, the Commonwealth Attorney requested appropriation of \$3,704

from State funding for equipment; and

WHEREAS, the County Administrator requested appropriation of \$2,000 from County Attorney's budget to Capital Improvements Plan (CIP); and

WHEREAS, \$140,190 of the FY 1999 Contingency Reserve balance be appropriated into the FY 2000 Contingency Reserve; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of June 2000, That the sum of \$913,716 be carried over, transferred, or appropriated and hereby approved as follows:

FROM

TO

Source	Code	Amount	Department	Code	Amount
State Funds	3-100-244100-0130	\$174	Sheriff's Office	4-100-031200-5550	\$174
State Funds	3-100-244100-0046	\$2,000	Sheriff's Office	4-100-031200-3312	\$1,500
				4-100-031200-6031	\$500
Real Estate Tax	3-100-111001-0001	\$150,000	Reserve Contingency for	4-100-091400-9618	\$150,000
State Funds	3-205-242000-0072	\$16,854	School Division	4-205-61100-6013-300-009-000	\$4,854
				4-205-61100-8200-300-009-000	\$12,000
School Budget	4-205-061100-9999-399-001-000	\$570,000	School Division	4-302-094620-8208	\$342,000
				4-302-094606-8207	\$228,000
State Funds	3-100-244010-0045	\$16,940	Clerk of the Circuit Court	4-100-021610-1301	\$11,935
				4-100-021610-2100	\$955
				4-100-021610-5420	\$4,050
Intra Fund	4-302-080801-8200	\$6,000	Community Development	4-100-081400-3170	\$6,000
State Funds	3-100-244100-0181	\$5,854	Juvenile Probation	4-100-033400-6026	\$5,854

State Funds	3-100-230000-0010	\$3,704	Commonwealth Attorney	4-100-022100-8207	\$3,704
Prior Year Fund Balance	3-100-419000-0010	\$140,190	Contingency Reserve	4-100-091400-9618	\$140,190
County Budget	4-100-12210-3150	\$2,000	County Administrator	4-302-80100-8200	\$2,000
TOTAL		<u>\$913,716</u>			<u>\$913,716</u>

## **A Resolution to Request a Children at Play Sign on Canter Lane, Center District**

### **RESOLUTION**

#### **A RESOLUTION AUTHORIZING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INSTALL AND MAINTAIN SIGNS ON CANTER**

#### **LANE IN THE STEEPLECHASE WOODS SUBDIVISION, CENTER DISTRICT ALERTING MOTORISTS THAT CHILDREN MAY BE AT PLAY NEARBY**

WHEREAS, Section 33.1-210.2 of the Code of Virginia, 1950, as amended, provides that the governing body of any county may, by resolution, request the Commissioner to install and maintain signs alerting motorists that children may be at play nearby; and

WHEREAS, Joe Winkelmann, Center District representative on the Board of Supervisors, has requested that this Board authorize the installation and maintenance of "Children at Play" signs on Canter Lane in the Steeplechase Woods Subdivision in Center Magisterial District; and

WHEREAS, Section 33.1-210.2 provides that the cost of installing said signs shall be paid out of the secondary system construction allocation and that maintenance of said signs shall be paid out of the secondary system maintenance allocation to the affected county; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That the Transportation Commissioner be directed to install and maintain "Children at Play" signs on Canter Lane in the Steeplechase Woods Subdivision; and, be it

RESOLVED FURTHER, That the source of funding for the installation of the signs shall be the secondary system construction allocation to Fauquier County and maintenance of said signs shall be paid out of the secondary system maintenance

allocation to Fauquier County.

Authorization to Adopt the DMG MAXIMUS System-Wide Review of Fauquier County Government's Classification and Compensation Pay Plan

RESOLUTION

A RESOLUTION TO ADOPT THE CLASSIFICATION AND COMPENSATION  
PAY PLAN FOR FAUQUIER COUNTY GOVERNMENT EMPLOYEES

WHEREAS, the Fauquier County Board of Supervisors desires to update the Classification and Compensation Pay Plan for County Government employees; and

WHEREAS, on October 5, 1999, the consulting firm of DMG MAXIMUS (DMG) entered into a supplemental agreement with Fauquier County Government to perform a Classification and Compensation Study; and

WHEREAS, introductory meetings with management, employee orientation and management interviews were held; and

WHEREAS, approximately 250 positions were audited and classified; class specifications, qualification standards and pay scales were prepared; and a salary survey was conducted; and

WHEREAS, at varying stages of development, employees and management have reviewed departmental installation schedules and class specifications; and

WHEREAS, Fauquier County has received documentation from DMG, which supports establishment of an upgraded Classification and Compensation Pay Plan; and

WHEREAS, the adoption of the Classification and Compensation Pay Plan includes all approved Fauquier County Government positions; and

WHEREAS, the creation of new positions will be required to follow the established procedures; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That the Classification and Compensation Pay Plan contained in the final documentation supplied by DMG be, and is hereby, adopted; and, be it

RESOLVED FURTHER, That the positions within the Classification and Compensation Pay Plan be adopted consistent with the recommendations contained in Attachment A; and, be it

RESOLVED FURTHER, That the effective date of implementation of the pay plan for Fauquier County employees shall be the pay period beginning July 1, 2000; and, be it

RESOLVED FURTHER, That the pay plan will no longer contain incremental steps; and, be it

RESOLVED FINALLY, That the County Administrator is authorized to establish rules and regulations for the effective administration of the above referenced Classification and Compensation Pay Plan and that existing personnel regulations inconsistent therewith be, and are hereby, repealed.

## **A Proclamation to Declare June 24-25, 2000 Amateur Radio Weekend**

### **PROCLAMATION**

#### **A PROCLAMATION TO DECLARE**

#### **JUNE 24-25, 2000 AMATEUR RADIO WEEKEND**

WHEREAS, Amateur Radio operators are licensed by the Federal Communications Commission; and

WHEREAS, the County of Fauquier has more than 175 licensed Amateur Radio operators who have demonstrated their skills and value to the public by providing emergency radio communications; and

WHEREAS, these Amateur Radio operators donate these services free of charge to the County and charitable groups in the interest of safety for citizens; and

WHEREAS, the Radio Amateur Civil Emergency Service is established under the Commonwealth of Virginia Emergency Operations Center; and

WHEREAS, Amateur Radio operators will be practicing their emergency communications skills during the weekend of June 24-25, 2000; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That the weekend of June 24-25, 2000 be, and is hereby, declared Amateur Radio Weekend.

A Resolution Exhorting the U.S. Department of Agriculture to Maintain a Farm Services Office in Fauquier County

### **RESOLUTION**

**A RESOLUTION TO ENDORSE A LETTER BY THE CHAIRMAN OF THE  
BOARD OF SUPERVISORS TO THE UNITED STATES DEPARTMENT OF**

## AGRICULTURE REQUESTING CONTINUANCE OF THE FARM SERVICES

### AGENCY OFFICE IN FAUQUIER COUNTY

WHEREAS, Fauquier County is aware that the Department of Agriculture is currently considering merging the Farm Services Agency Office located in Fauquier County with that in another locality, possibly Culpeper; and

WHEREAS, the Board of Supervisors recognizes the critical role the Fauquier-based Farm Services Agency Office provides to the farming community in Fauquier County; and

WHEREAS, the Board of Supervisors recognizes that the farm sector is the largest single component of the County's economy and performs a valuable role in the preservation of Fauquier County's unique heritage and quality of life; and

WHEREAS, the Chairman of the Board of Supervisors prepared and forwarded a letter to the Department of Agriculture requesting that the local Fauquier Farm Services Agency Office continue as a stand alone office; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of June 2000, That the Fauquier County Board of Supervisors does hereby endorse the letter signed by the Chairman of the Fauquier County Board of Supervisors to the United States Department of Agriculture requesting the continuance of the Farm Services Agency Office in Fauquier County as the official position of Fauquier County.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Receive Citizen Comments on a Proposed Ordinance Amending Fauquier County Code Sections 13-36, 13-40(b), 13-41(b), 13-42 and 13-43(b) Relating to Parking in Spaces Reserved for Persons With Disabilities to Conform the Code to Enable Legislation Contained Within the Code of Virginia and to Set Fort Fines for Violation of Section 13-36

### RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO  
SCHEDULE A PUBLIC HEARING TO RECEIVE CITIZEN COMMENT  
ON A PROPOSED ORDINANCE AMENDING FAUQUIER COUNTY  
CODE §§ 13-36, 13-40(b), 13-41(b), 13-42 and 13-43(b) RELATING  
TO PARKING IN SPACES RESERVED FOR PERSONS WITH DISABILITIES  
TO CONFORM THE CODE TO ENABLE LEGISLATION CONTAINED WITHIN

## THE CODE OF VIRGINIA AND TO SET FORTH FINES FOR VIOLATION OF §13-36

WHEREAS, the Board of Supervisors of Fauquier County has, by the adoption of this Resolution, determined to receive citizen comment on a proposed amendment to the Code of Fauquier County related to parking spaces reserved for persons with disabilities to conform the Code to enable legislation contained within the Code of Virginia and to set forth fines for violation of §13-36; and

WHEREAS, the Board of Supervisors of Fauquier County wishes to conform the provisions of its Ordinance to the State enabling legislation; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 19th day of June 2000, That the County Administrator be, and is hereby, directed to schedule a public hearing to receive citizen comment on the amendment to Fauquier County Code §§ 13-36, 13-40(b), 13-41(b), 13-42 and 13-43(b) related to parking spaces reserved for persons with disabilities to conform the Code to enable legislation contained within the Code of Virginia and to set forth fines for violation of §13-36.

A Resolution to Request the Sheriff to Assist Civic Organizations in the Protection of Children and Citizens by Providing Community Education, Informational Materials, and Any Other Assistance in the Interests of Public Safety That is Consistent with Local, State and Federal Law

### RESOLUTION

A RESOLUTION TO REQUEST THE FAUQUIER COUNTY SHERIFF

ASSIST CIVIC ORGANIZATIONS IN PROTECTING THE

CHILDREN AND CITIZENS OF THE COUNTY BY PROVIDING

COMMUNITY EDUCATION, INFORMATIONAL MATERIALS, AND

OTHER ASSISTANCE IN THE INTEREST OF PUBLIC SAFETY

THAT IS CONSISTENT WITH STATE, LOCAL AND FEDERAL LAW

WHEREAS, the Fauquier/Rappahannock Community Criminal Justice Board (as appointed by the Board of Supervisors of Fauquier and Rappahannock Counties) is a local policy and advisory board geared toward the promotion of public safety and the reduction of crime in our communities; and

WHEREAS, on May 18, 2000, the Fauquier/Rappahannock Community Criminal Justice Board recommended that in the interest of public safety, the Sheriff of Fauquier County assist civic organizations in identifying risks to children and citizens by providing community education, informational materials and other

assistance that is consistent with local, state and federal law; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 19<sup>th</sup> day of June 2000, That the Fauquier County Sheriff be, and is hereby, requested to provide community education, informational materials and other assistance including, but not limited to, rendering advice to the citizens of the County on the process for obtaining a copy of their own criminal history records information from the State Police, so as to assist civic organizations in identifying risks to the health, safety and welfare of the citizens of the County.

A Resolution to Authorize the County Administrator to Sign a Memorandum of Agreement with the Virginia Department of Social Services Regarding Local Government Expenditure in Support of Federal Programs Administered by the Virginia Department of Social Services

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO SIGN A MEMORANDUM OF AGREEMENT WITH THE VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES REGARDING LOCAL GOVERNMENT  
EXPENDITURE IN SUPPORT OF FEDERAL PROGRAMS ADMINISTERED  
BY THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Fauquier County Board of Supervisors recognizes that there are unmet needs for human services in Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors has a desire to expand such services to the extent that resources are available to address such needs; and

WHEREAS, Fauquier County has elected to make voluntary, necessary, and reasonable contributions of local and unmatched non-Federal financial resources (over and above State mandated levels) to the costs of administering and providing human services; and

WHEREAS, the financial contributions of Fauquier County may be eligible for Federal Financial Participation (FFP), provided appropriate claims are made; and

WHEREAS, the Fauquier County Board of Supervisors desires to assure that Fauquier County receives appropriate FFP earned on the financial contributions of the County; and

WHEREAS, the Fauquier County Board of Supervisors desires to establish and maintain appropriate procedures to assure that claims are filed in an accurate manner, that Fauquier County is reimbursed on a timely basis and the integrity of all contributions, expenditures, and claims are assured; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That the Fauquier County Board of Supervisors agrees to enter into an agreement with the Virginia Department of Social Services to participate in the Revenue Maximization Plan of the Department of Social Services; and, be it

RESOLVED FURTHER, That the County Administrator is hereby authorized to sign such agreement.

A Resolution to Endorse a Letter by the Chairman of the Board of Supervisors to Governor James S. Gilmore, III Opposing the Designation of Fauquier County as a Nonattainment Area Under the Clean Air Act

**RESOLUTION**

A RESOLUTION TO ENDORSE A LETTER BY THE CHAIRMAN OF  
THE BOARD OF SUPERVISORS TO GOVERNOR JAMES S. GILMORE, III OPPOSING  
THE DESIGNATION OF FAUQUIER COUNTY AS A  
NONATTAINMENT AREA UNDER THE CLEAN AIR ACT

WHEREAS, the U.S. Environmental Protection Agency (EPA) has requested comments regarding the classification of additional jurisdictions as Nonattainment Areas under the Clean Air Act; and

WHEREAS, Governor James S. Gilmore, III has authorized the Department of Environmental Quality (DEQ) to develop a statewide response to the EPA by June 30, 2000; and

WHEREAS, DEQ has requested that localities provide comments to the State by June 16, 2000; and

WHEREAS, members of the Board of Supervisors have met with representatives of the Department of Environmental Quality and the Department of Transportation and have received staff reports and reviewed other relevant information relating to the possible negative impacts of Nonattainment designation for economic development, transportation planning, emissions testing and fleet management, in addition to reviewing information relating to the air quality readings taken at the Phelps Wildlife Management Area in southern Fauquier County; and

WHEREAS, the Board of Supervisors has determined that the designation of Fauquier County as a Nonattainment Area under the Clean Air Act is neither necessary nor appropriate at this time; and

WHEREAS, the timetable for local responses established by DEQ did not allow the Board of Supervisors to take formal action prior to the submission deadline; and

WHEREAS, the Chairman of the Board of Supervisors has signed and forwarded a letter to Governor James S. Gilmore, III, on behalf of Fauquier County, detailing the reasons that Fauquier County objects to its possible designation as a Nonattainment Area and has requested that the Board of Supervisors formally endorse this letter as the official position of Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of June

2000, That the Fauquier County Board of Supervisors does hereby endorse the letter signed by the Chairman of the Fauquier County Board of Supervisors to Governor James S. Gilmore, III requesting that the statewide response from the Department of Environmental Quality to the Environmental Protection Agency relating to the designation of additional jurisdictions as Nonattainment Areas under the Clean Air Act not include a recommendation that Fauquier County be designated as a Nonattainment Area.

A Resolution to Establish the Scope of Work, Timeframe of Program and Organizational Structure of the Historic Resources Committee

RESOLUTION

A RESOLUTION TO ESTABLISH THE SCOPE OF WORK,

TIME FRAME OF PROGRAM AND ORGANIZATIONAL

STRUCTURE OF THE HISTORIC RESOURCES COMMITTEE

WHEREAS, the Board of Supervisors has recognized Fauquier's unique position in the development of the Commonwealth of the Virginia and of the Republic; and

WHEREAS, the Board of Supervisors has recognized that the inventory and preservation of Fauquier's unique historical resources is vital to preserving our county's rich past for future generations, that such preservation may also serve the purpose of economic development by promotion of heritage tourism and protection of the quality of life for all citizens; and

WHEREAS, the Board of Supervisors has adopted as one of its top ten work priorities for 2000 to develop a plan for identifying and preserving Fauquier's historic resources; and

WHEREAS, the Virginia Department of Historic Resources has awarded Fauquier County a cost share grant to inventory Fauquier's historic resources, with contractual work scheduled to begin October 2000, and inventory and publication by December 2001; and

WHEREAS, the Board of Supervisors has formed the Historic Resource Committee to develop a plan to identify and preserve Fauquier's historic resources, with that plan to be submitted to the Board for approval prior to implementation; now, therefore, be it

RESOLVED by the Fauquier Board of Supervisors this 19<sup>th</sup> day of June 2000, That the Fauquier Board of Supervisors directs the newly established Historic Resource Committee to develop a program of work, beginning with its initial meeting, to have the plan for preservation of Fauquier's historic resources prepared and

submitted to the Board of Supervisors by June 2001, with such plan to incorporate an economic development program of Heritage Tourism in addition to recommendations for preservation; and .

RESOLVED FURTHER, That the Committee's scope of work would include coordination and assistance with the inventory process as necessary; assessment of current historic preservation and inventory efforts among the disparate groups, creating a liaison function among the representative groups; and development of recommendations in the form of a written plan, with components of the plan addressing county policies and process in the Department of Community Development, Parks and Recreation, the Department of Economic Development, and the Fauquier County Public Library, in addition to other potential program elements in both public and private sectors; and

RESOLVED FURTHER, That the first item on the Historic Resource Committee's program of work will be the preparation of draft bylaws for review and approval by the Board of Supervisors at its September 18, 2000 meeting; and

RESOLVED FINALLY, That those by-laws will direct the authority of the newly appointed Committee Chair to organize the committee, and plan committee work.

### **A Resolution to Approve a Transfer Between School Division Budget Categories**

#### **RESOLUTION**

#### **A RESOLUTION TO APPROVE A TRANSFER**

#### **BETWEEN SCHOOL DIVISION BUDGET CATEGORIES**

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the operation of an annual budget and during the course of the fiscal year certain events occur which necessitate changing the budget plan; and

WHEREAS, for FY 2000 the School Division budget was funded on a categorical level which requires Board of Supervisor approval to transfer between categories; and

WHEREAS, the School Division has identified a need to purchase custodial supplies for summer school which would require a transfer of \$35,000 between Instructional and Maintenance Categories; and

WHEREAS, the School Board, at its June 12<sup>th</sup> meeting, agreed to forward this transfer request to the Board of Supervisors for consideration; and

WHEREAS, the County Finance Committee, at its June 19<sup>th</sup> meeting, reviewed

this request and recommended Board approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of June 2000, That a funding transfer of \$35,000 from the School Instructional Category to the Maintenance Category is approved.

Zoning Ordinance Amendment for the Addition of the Planned Development Mixed Use (PDMU) Zoning District, Article 3, part 3-300 (Uses)

## ORDINANCE

### ZONING ORDINANCE TEXT AMENDMENT FOR THE ADDITION

### OF THE PLANNED DEVELOPMENT MIXED USE (PDMU)

### ZONING DISTRICT: AMEND ARTICLE 3, PART 3-300 (USES)

WHEREAS, the recently revised New Baltimore Service District Plan recommends that the County's Zoning Ordinance be amended to include a Planned Development Mixed Use (PDMU) zone to further the goals of Comprehensive Planning; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on the proposed Planned Development Mixed Use (PDMU) zoning district and after holding the public hearing, unanimously recommended to the Board of Supervisors the enactment of the proposed Planned Development Mixed Use Zoning category and related amendments; and

WHEREAS, the Fauquier County Board of Supervisors adopted, by ordinance, the addition of the PDMU Zoning District category and associated amendments at the conclusion of its May 15, 2000 public hearing, with the exception of this proposed section; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That Article 3, Part 3-300 (Uses) of the Fauquier County Zoning Ordinance be, and is hereby, amended as presented.

Preliminary Subdivision Application – Fenton Chase Subdivision, Scott District

No action was taken.

Preliminary Subdivision Application – Botha Village Subdivision, Lee District

No action was taken.

Preliminary Subdivision Application – Ruffo/Kakadelis Division

No action was taken.

A Resolution Directing the Sports Field Site Acquisition Committee of the Board of Supervisors to Initiate Negotiations for the Acquisition of a Sports Field Site for the Central Area of the County of Fauquier

## RESOLUTION

### A RESOLUTION DIRECTING THE SPORTS FIELD SITE ACQUISITION

#### COMMITTEE OF THE BOARD OF SUPERVISORS TO INITIATE

#### NEGOTIATIONS FOR THE ACQUISITION OF A SPORTS FIELD

#### SITE FOR THE CENTRAL AREA OF THE COUNTY OF FAUQUIER

WHEREAS, the Board of Supervisors has, by previous resolution, determined that the acquisition and development of real property in the north, center and southern portions of Fauquier County for use as sports fields is in the best interest of the citizens of the County; and

WHEREAS, the Board of Supervisors has allocated funds to acquire real property in the north, center and southern portions of the County for use as sports fields; and

WHEREAS, the Board of Supervisors has received the reports and recommendations from the Parks and Recreation Board, the Site Prioritization Committee and its Site Acquisition Committee; and

WHEREAS, based upon its review of the reports and recommendations and its knowledge of the parcels, the Board has determined to authorize the Site Acquisition Committee to begin negotiations to acquire property for the central County sports fields; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of June 2000, That the Site Acquisition Committee be, and is hereby, authorized to negotiate a contract with the Rodgers Family Limited Partnership to purchase the land necessary to establish sports fields in the central portion of the County; and, be it

RESOLVED FURTHER, That any contract negotiated by the Site Acquisition Committee shall be subject to ratification by the Board of Supervisors.

A Resolution to Authorize the Chairman of the Board of Supervisors to Sign an Employment Agreement with G. Robert Lee for Services as Fauquier County Administrator

## RESOLUTION

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD  
OF SUPERVISORS TO SIGN AN EMPLOYMENT AGREEMENT WITH  
G.ROBERT LEE FOR SERVICES AS FAUQUIER COUNTY ADMINISTRATOR

WHEREAS, it is standard practice for local government chief administrative officers to have employment agreements with the governing body; and

WHEREAS, G. Robert Lee has faithfully served the County of Fauquier for almost ten years as County Administrator; and

WHEREAS, the Fauquier County Board of Supervisors has determined it is appropriate to enter into an employment agreement with the County Administrator in order to (1) retain the services of the County Administrator and to provide an inducement for him to remain in such employment; (2) make possible full work productivity by assuring the County Administrator's morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of the County Administrator; and (4) provide a just means of terminating the County Administrator's services at such time as he may be unable to discharge his duties due to age or disability or when the Board may desire to terminate his employment as the County Administrator; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That the Chairman of the Board of Supervisors be, and is hereby, authorized to sign an employment agreement between the Board of Supervisors and G. Robert Lee for chief administrative officer functions for the term ending December 31, 2003.

**A RESOLUTION TO AUTHORIZE THE FAUQUIER COUNTY WATER AND SANITATION  
AUTHORITY (FCWSA) AS AGENT AND OPERATOR FOR THE FAUQUIER COUNTY  
BOARD OF SUPERVISORS TO INCREASE THE MONTHLY BASE AVAILABILITY FEE  
OF PARIS WATER SYSTEM USERS**

The Board of Supervisors held a public hearing on November 15, 1999 to consider a proposal to increase the Monthly Base Service Fee of system users of the Paris Water System. Since the hearing, terms of the agreement with Water and Sanitation Authority have been refined, the need for a user contribution for the cost of the transfer has been eliminated, and a source of funding for the transfer has been identified. Mr. Atherton moved to accept a substitute resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

Mr. Atherton then moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

#### RESOLUTION

#### A RESOLUTION TO TRANSFER TITLE OF THE PARIS WATER SYSTEM TO THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY (FCWSA)

WHEREAS, the County owns the Paris Water System, intended for the provision of public water services to the unincorporated Village of Paris, Virginia; and

WHEREAS, one of the FCWSA's chartered purposes is the acquisition, construction, operation and maintenance of water systems located within Fauquier County; and

WHEREAS, the County Board of Supervisors desires to deed the Paris Water System to the FCWSA; and

WHEREAS, in September 1999 staff and FCWSA developed financial terms for acquisition of the system by FCWSA, which included a County contribution of \$255,000 and a customer contribution of \$125,000 distributed among thirty-four customers; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on November 15, 1999 to solicit input on the intent to increase the Monthly Base Service Fee for users of the Paris Water System as the customer contribution to fund the transfer to FCWSA; and

WHEREAS, upon completion of the public hearing the Fauquier County Board of Supervisors tabled the item for six months to the first meeting in June, 2000; and

WHEREAS, subsequent to the public hearing, the Marshall District Supervisor directed staff to restructure alternatives for the transfer to eliminate the customer contribution; and

WHEREAS, recent negotiation with FCWSA produced an agreement where FCWSA will accept transfer of the Paris Water System for a lump-sum payment of \$310,000; and

WHEREAS, the Board of Supervisors appropriated \$105,600 for capital improvements to the Paris Water System in the FY 2001 Budget in addition to approximately \$90,000 pre-existing in the capital account for the Paris Water System; and

WHEREAS, the Board of Supervisors created a Utility Fund that will consolidate the funds from several related capital fund accounts including approximately \$195,600 for the Paris Water System; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That the transfer of the Paris Water System to the FCWSA for the lump sum payment of \$310,000 be, and is hereby, approved; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute all documents necessary to effectuate the transfer of the Paris Water System to the FCWSA effective July 1, 2000 or as soon thereafter as possible; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to expend \$310,000 from the Utility Fund for the payment to the FCWSA for the transfer of the Paris Water System and that such funds be, and are hereby, encumbered for the lump sum payment to FCWSA.

**A RESOLUTION TO COMPENSATE BRUCE CASNER FOR THE ALLEGED DAMAGE TO HIS LAND AND HOME AS A RESULT OF THE OPERATION OF THE COUNTY LANDFILL**

Mr. Graham moved to postpone indefinitely consideration of a resolution to compensate Bruce Casner for alleged damage to his land and home as a result of the operation of the County Landfill. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**A RESOLUTION TO APPROPRIATE \$12,000 TO THE JOHNSON GRASS CONTROL COMMITTEE TO FUND OPERATIONS IN FY 2001**

Mr. Atherton moved to remand review of the structure, ordinance and budget of the Johnson Grass Control Committee to the Agricultural Advisory Committee for recommendation. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**APPOINTMENTS**

The following appointments were approved by unanimous consent:

- Michael Stronji was reappointed to the Affordable Housing Committee for a term to expire December 31, 2003.
- Walter Hitchcock was reappointed to the Affordable Housing Committee for a term to expire December 31, 2003.
- Steve Potucek was reappointed to the Affordable Housing Committee for a term to expire December 31, 2003.
- Michelene Hostetter was reappointed to the Affordable Housing Committee for a term to expire December 31, 2003.
- William Miller was appointed to the Board of Assessors.
- Lurty Houff was appointed to the Board of Assessors.
- John Cheatwood was appointed to the Board of Assessors.
- Jim Legg, Sr. was appointed to the Capital Improvements Program Committee for a term to expire December 31, 2000.
- Richard Viets was appointed to the Lord Fairfax Community College Board for a term to expire June 30, 2004.
- Mark Smith was appointed to the Economic Development Advisory Council for a term to expire December 31, 2003.
- Kathie Wilson was reappointed to the Library Board for a term to expire June 21, 2003.

- Joe Winkelmann was appointed to fill an unexpired term on the Parks and Recreation Board to September 14, 2001.
- Richard Robison, Carolyn Hartman, Donald Tharpe, John Toler, Tom Harris, Robert Sinclair, Jackie Lee, Karen Hughes White, and Ed Gulick were appointed to the Historic Resources Committee.
- Lynn Hopewell was appointed to the Historic Resources Committee to serve as Chairman.

## **SUPERVISORS TIME**

- Mr. Atherton announced that the Marshall Gateway/Salem Meeting House Project received a grant in the amount of \$350,000.
- Ms. McCamy said that she had attended the Liberty High School graduation and that it was a very nice ceremony. She congratulated all graduates.
- Ms. McCamy asked for Board support in requesting the Agricultural Advisory Committee to check on reports that claim there will be an increase in Gypsy Moth infestation.
- Mr. Weeks asked for Board support in requesting the Finance Committee to investigate the possibility of initiating a Wellness Program for County and School employees. Mr. Winkelmann moved to adopt a Wellness Program subject to approval by the Finance Committee. Since this was not on the adopted agenda, Mr. Winkelmann withdrew his motion to protect the integrity of Supervisors Time.
- Mr. Lee announced that the Public Safety Committee would meet on June 22 at 7:00 p.m. in the Extension Office and discussion would be on the 150 MHz radio system.
- Mr. Lee announced that the next Board of Supervisors meeting would be July 17 at 6:30 p.m. and the Board Public Information Meeting would be on July 24 at 7:00 p.m. in Cedar Run District.

## **FAUQUIER COUNTY CODE AMENDMENT – SECTION 15-20**

A public hearing was held to consider amending the Fauquier County Code to add Section 15-20 to require applicants for Concealed Weapons Permits to submit to fingerprinting to obtain the applicant's criminal history record. Scott Seegers, George Verona, Scott Carter, Dominic Paravano, Thomas Drinkwater, Madge Eicher, George Petitt, representing the Virginia Citizens Defense League, Ward Petro, Aubrey Shea, and Michael Jones spoke in opposition to the amendment. Betsy Hostrop and Captain Fred Pfeiff spoke in favor of the amendment. The public hearing was closed. Ms. McCamy moved to adopt the following ordinance. Mr. Atherton

seconded, and the vote for the motion was 4 to 1 as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: Mr. Joe Winkelmann***

***Absent During Vote: None***

***Abstention: None***

## ORDINANCE

### AN ORDINANCE ADDING SECTION 15-20 TO THE FAUQUIER COUNTY CODE TO REQUIRE APPLICANTS FOR CONCEALED WEAPONS PERMITS TO SUBMIT TO FINGERPRINTING FOR THE PURPOSE OF OBTAINING CRIMINAL HISTORY INFORMATION

WHEREAS, Section 18.2-308 of the Code of Virginia permits a locality to adopt an ordinance to require applicants for Concealed Weapons Permits to submit to fingerprinting for the purpose of obtaining criminal history record information; and

WHEREAS, the Fauquier County Sheriff has requested that the Board of Supervisors consider the adoption of an ordinance to require applicants for Concealed Weapons Permits to submit to fingerprinting; and

WHEREAS, the Board of Supervisors has, after due notice and public hearing, determined that it is in the best interest of the safety and welfare of the citizens of this County to adopt this ordinance; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That the Fauquier County Code be, and is hereby, amended to add Section 15-20 as follows:

Section 15-20. Submission of fingerprints required to obtain concealed weapons permit.

Any applicant for a concealed handgun permit shall be required to submit to fingerprinting for the purpose of obtaining the applicant's state and national criminal history record. As a condition for the issuance of a concealed handgun permit, the applicant shall submit to fingerprinting

and provide personal descriptive information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant and obtaining fingerprint identification information from federal records pursuant to criminal investigations by state and local law enforcement agencies. Upon completion of the criminal history records check and return of the fingerprint cards to the Fauquier County Sheriff's Office by the Virginia State Police, the Sheriff's Office shall promptly notify the applicant that he has 21 days from the date of the notice to request return of the fingerprint cards. All fingerprint cards not claimed by the applicant within 21 days of notification by the Sheriff's Office shall be destroyed. Fingerprints taken for the purposes described in this section shall not be copied, held, or used for any other purposes.

## **WARREN COUNTY/FAUQUIER COUNTY BOUNDARY ADJUSTMENT**

A public hearing was held to consider entering into an agreement to relocate and establish the boundary between the Counties of Warren and Fauquier north of Chester Gap. Jean Parker spoke in favor of the proposed relocation. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

### **RESOLUTION**

**A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE**

**FAUQUIER COUNTY BOARD OF SUPERVISORS TO**

**SIGN THE AGREEMENT TO ESTABLISH, RELOCATE OR**

**CHANGE A PORTION OF THE BOUNDARY LINE**

**BETWEEN FAUQUIER AND WARREN COUNTIES**

**WHEREAS, Fauquier and Warren Counties desire to establish, relocate or**

change a portion of the boundary line between them in order to resolve the uncertainty which now exists as to the location of their boundaries; and

WHEREAS, the new boundary will not divide any parcel, but will follow the existing parcel boundary lines; and

WHEREAS, a proposed boundary adjustment agreement has been prepared; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on June 19, 2000, to solicit citizen comments regarding the proposed agreement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That the Chairman be, and is hereby, authorized to sign the agreement to establish, relocate or change a boundary line between Fauquier and Warren Counties.

### **SPECIAL EXCEPTION – BEALETON LANDMARKS, LLC, OWNER/APPLICANT**

A public hearing was held to consider a request for special exception approval from Bealeton Landmarks, LLC, Owner/Applicant to revise, eliminate or add certain conditions, dedicate a site for a library and community meeting hall, to rearrange certain lots on the property, to permit minor disturbance of a floodplain, and to show dedication of a community meeting hall and library in the R-4 zoning district. The property contains 42.62 acres, is zoned R-4 and R-1 and is located on Station Drive, PIN #6899-344286-000, #6899-33-4760-000, #6899-33-6881-000, #6899-33-9142-000, #6899-32-8789-000, #6899-43-2092-000, #6899-43-7426-000, #6899-54-6556-000, and #6899-44-4581-000, Lee District. Robert Young, Karen Usiak, and Kim Workman spoke in favor of the request. No one else spoke. The public hearing was closed. Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

### **RESOLUTION**

A RESOLUTION TO APPROVE

SPECIAL EXCEPTION (#SEA00-L-03)

## BEALETON LANDMARKS, LLC, OWNER/APPLICANT

## BEALETON STATION

WHEREAS, the owner/applicant, Bealeton Landmarks, LLC, has filed an application to amend a previously approved special exception which was originally approved under former Category 1 of the Zoning Ordinance which would amend the existing special exception for Bealeton Station to revise, eliminate or add certain conditions, dedicate a site for a library and community meeting hall (railroad depot building), to rearrange certain lots on the property, to permit minor disturbance of a floodplain and to show dedication of a community meeting hall and library in the R-4 district; and

WHEREAS, the special exception application of Bealeton Landmarks, LLC has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence, both oral and documentary, and the staff has filed a staff report, all indicating compliance with the general standards for the special exception as set forth in Article 5 of the Zoning Ordinance; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on May 25, 2000, on the special exception amendment request; and

WHEREAS, the Fauquier County Planning Commission recommended approval of this special exception request subject to the conditions outlined below at its meeting on May 25, 2000; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on June 19, 2000, on this special exception request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That Special Exception #SEA00-L-03, Bealeton Landmarks, LLC, property identified as PIN #6899-34-5286-000, #6899-33-4760-000, #6899-33-6881-000, #6899-33-9142-000, #6899-32-8789-000, #6899-32-6874-000, #6899-43-2092-000, #6899-43-7426-000, #6899-54-6556-000, and #6899-44-4581-000 be, and is hereby, approved subject to the following conditions:

1. Phasing to be shown on the preliminary plat.
2. Apartment units to be one and two bedroom units only to be divided 40% one-bedroom and 60% two-bedroom as agreed to by the applicant.
3. Major collector street to be designed and constructed from Route 17 to adjoining tax parcel 108/96 with sidewalk along one side of street.
4. Major collector intersection at Route 17 to align with crossover/entrance to Cedar Lee Jr. High.

5. Minimum of 90 foot right-of-way for major collector.
6. Low intensity street lighting along major collector/pedestrian accessway with lighting plan approved with final plat sections.
7. Deciduous street trees planted every one hundred feet along major collector and at least one per lot per road frontage on local streets. Trees to be at least 6 feet in height.
8. Curb and gutter on interior cul-de-sacs. No sidewalk required due to the development and layout of pedestrian walkways in open space.
9. Curb, gutter and sidewalk along frontage road to park, apartments and commercial development.
10. Pedestrian access under Route 17 overpass to Route 656.
11. Open space generally as shown on special exception.
12. Common open space to be dedicated with the first phase. Active recreation areas to be phased with the development.
13. Common open space to include active recreation areas for ballfield and four tot lots. Area shown as park to be built as part or dedicated as open space.
14. The required 50% open space for single family attached and 30% open space for garden apartments to be located in those areas as much as possible. Other open space designated on the special exception may be used with adequate pedestrian access.
15. Homeowners association with covenants for open space, sidewalks, landscaping and lighting upkeep.
16. Site plan for open space, active recreation areas, pedestrian walkways and street lighting required.
17. Landscaping/buffering between Route 17 and apartments. Landscaping plan, including street trees required.
18. On conventional  $\frac{1}{4}$  acre lots, house to be offset along front setback and various housing styles to reduce homogeneity.
19. Sidewalks along major internal cul-de-sacs.
20. Underground utilities.

21. Depot relocation and renovation shall be subject to the following conditions:

a. Within 10 days of the date of approval of this special exception, the applicant will commission an architectural study to determine an appropriate site location for the depot on the parcel to be dedicated to the County. Included as part of this study will be plans for the type of foundation, which will be required for the depot and any exterior renovations the applicant intends to make to the structure, including the type of foundation proposed. The completed study shall be submitted to the County.

b. The County shall have 60 days following delivery of the above-referenced study and plans to determine whether, in the County's sole discretion, the:

- Depot is environmentally and structurally sound for its intended purposes;
- The intended location for the depot is acceptable, and that the
- Proposed refurbishment/foundation is acceptable.

Access will be provided to the structure and the land to the County and its agents during the 60 day study period.

c. In the event the County determines, within the time period set forth in Condition 21.b that the structure is not suitable, then the County shall within 30 days after the end of the study period notify the applicant in writing that it is refusing the facility and the applicant shall have no further obligation under this condition.

d. In the event the County determines that the proposed location is not suitable, the County shall within 30 days of the conclusion of the referenced study period inform the applicant of the location which it finds acceptable. Such location shall be mutually agreeable.

e. In the event that the County determines that the proposed renovations are not acceptable, the County may either reject the depot or accept the relocated depot and those portions of the renovations deemed acceptable.

f. Following designation by the County of an acceptable site for the depot on the library parcel, the applicant will relocate the depot to a structurally sound foundation at the selected site and diligently pursue renovation of the exterior of the building including reconstruction of the

roof, repair/replacement of windows and doors, rehabilitation of wood siding, and removal of dormers. Applicant will complete exterior refurbishment within 9 months of relocation of the depot. Upon completion of exterior refurbishment, applicant will paint the depot in historically accurate gray and white colors.

g. For the purpose of these conditions, the term County shall mean the Board of Supervisors or its designated employee or agent.

22. The applicant shall prepare and submit to FEMA a floodplain study to determine precisely where the existing floodplain limits are located. If required, a post-development floodplain study should be completed to establish any revised changes new development has on the established FEMA floodplain limits. No construction within these areas can occur until the final plan floodplain study is completed and approved by FEMA.

23. Construct a pedestrian Route 17 underpass in the alignment of Willow Drive to Remington Road. This improvement needs to be constructed prior to issuance of building permits for Phase 4. (Note that the Virginia Department of Transportation confirms that Willow Drive South cannot feasibly be built under the Route 17 overpass.)

24. Dedicate, to the Fauquier County Board of Supervisors, the library site with the first subdivision plat following approval of this special exception amendment. The library site dedication will be made "site-ready" by the applicant/owner. The term "site-ready" means that the grading and stormwater management considerations on the 2 acre dedicated site will be coordinated with the adjacent developed areas, but does not require installation of any site improvement.

25. The applicant will provide public water and sewer service to the 2 acre dedicated site, but shall not be responsible for tap fees of any kind.

26. Applicant shall provide sidewalk and multi-use trails linking the subdivision to the library, pool and other recreational facilities identified on the special exception plat.

27. The applicant will provide a detailed phasing plan to the Fauquier county School Board so that they will be adequately planned for with the additional school children generated by this development within the Bealeton Service District, and provide an annual update by July 1 until project completion. The applicant will not build more than 80 units in any calendar year excluding apartments, but any units not constructed in a calendar year may be carried forward to the next year.

28. The internal road network serving the proposed single-family

dwellings may be modified with County approval as a result of technical consideration at the time of final plat approval.

29. The Bealeton Station development shall be in substantial conformance with the special exception plat dated, and last revised on June 12, 2000.

**COMPREHENSIVE PLAN AMENDMENT AND REZONING REQUEST – TOWER DEVELOPERS, LLC, OWNER, AND DAVID SUTHERLAND, APPLICANT**

A public hearing was held to consider a request from Tower Developers, Owner, and David Sutherland, Applicant, to amend Chapter 7, Villages and Settlements, of the Comprehensive Plan for the Village of Linden to include the subject parcels in Village Commercial designation and to rezone the subject parcels from Village to Village Commercial to allow for a post office building. The property is located at the intersection of Route 55 and Freezeland Road (Route 638) in the Village of Linden at the county boundaries of Fauquier and Warren, PIN #6001-34-7648 and #6001-34-9732, Marshall District. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution and ordinance. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: Mr. Joe Winkelmann***

***Abstention: None***

**RESOLUTION**

**A RESOLUTION TO APPROVE COMPREHENSIVE PLAN**

**AMENDMENT #CPA00-M-01**

WHEREAS, Tower Developers, LLC, Owner, and David Sutherland, Applicant, have filed an application to amend the Fauquier County Comprehensive Plan in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, this amendment is to incorporate a 1.9404 acre parcel, identified as PIN #6001-34-7648 and #6001-34-9732, into Village Commercial into the map of the Village of Linden in the Comprehensive Plan; and

WHEREAS, the proposal meets the amendment criteria outlined in the

Comprehensive Plan; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on April 27, 2000, regarding this Comprehensive Plan Amendment; and

WHEREAS, the Fauquier County Planning Commission unanimously recommended approval; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on June 19, 2000, on this request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That the Fauquier County Comprehensive Plan be, and is hereby, amended by incorporating a 1.9404 acres as Village Commercial into the map of the Village of Linden in the Comprehensive Plan, identified as PINs #6001-34-7648 and #6001-34-9732 and illustrated in the attached map, into the Comprehensive Plan.

#### ORDINANCE

AN ORDINANCE TO APPROVE REZONING REQUEST #RZ00-M-02,

TOWER DEVELOPERS, LLC PROPERTY

WHEREAS, the owner, Tower Developers, LLC, and the applicant, David Sutherland, have initiated a request to amend the Fauquier County Zoning Map by changing the designation for 1.9404 acres, parcels identified by parcel identification numbers 6001-34-7684 and 6001-34-9732, from Village (V) to Village Commercial (VC); and

WHEREAS, the applicant has filed an application to amend the Fauquier County Zoning Ordinance in accordance with the provisions of Article 13; and

WHEREAS, the 1.9404 acres are situated within the Village of Linden; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on April 27, 2000, regarding this rezoning request; and

WHEREAS, the Fauquier County Planning Commission unanimously recommended approval; and

WHEREAS, the Board of Supervisors on June 19, 2000, held a public hearing on this rezoning request; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map;

WHEREAS, the Board of Supervisors, by the adoption of this ordinance, finds that the standards of the Fauquier County Zoning Ordinance for zoning amendments including, but not limited to, those standards contained in Section 13-201 et seq. "Amendments" are satisfied by the rezoning of the property which is the subject of this rezoning application to the Village Commercial (VC) zoning district; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of June 2000, That Rezoning Request #RZ00-M-02 to change the zoning designation for 1.9404 acres parcels off of Route 55 and Freezeland Road, identified as PINs #6001-34-7648 and #6001-34-9732 and shown on the attached parcel location map, from Village (V) to Village Commercial (VC) be, and is hereby approved with proffers.

**SPECIAL EXCEPTION – CHARLES HULL, OWNER, AND JAMES COLES, APPLICANT**

A public hearing was held to consider a request for special exception approval from Charles Hull, Owner, and James Coles, Applicant, to waive requirements of the Zoning Ordinance regarding Type I Public Streets in the R-1 zoning district. The property is zoned R-1, contains 14.13 acres and is located just north of Silamon Road (Route 752) and east of Blackwells Mill Road (Route 617) in the settlement of Cleavers Oak, PIN #7825-75-5989-000, Cedar Run District. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: Mr. Joe Winkelmann***

***Abstention: None***

**RESOLUTION**

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION  
REQUEST #SE00-CR-08 CHARLES HULL, PROPERTY  
OWNER, JAMES COLES, APPLICANT, WAIVER OF  
PUBLIC STREET REQUIREMENT IN RESIDENTIAL ZONES**

WHEREAS, the Applicant, James Coles, has filed an application for special exception approval to waive the Type I Public Street requirement in the R-1 zoning district, pursuant to Fauquier County Zoning Ordinance Section 3-329 (Waiver of

Public Street requirement in Residential Zones); and

WHEREAS, the special exception application has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence, both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for the special exception as set forth in Article 5 of the Zoning Ordinance and the Board finds that the more restrictive standards of Sections 5-2900 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on this special exception request on April 27, 2000, and voted unanimously to recommend approval subject to three (3) conditions; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on this special exception request on June 19, 2000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of June 2000, That Special Exception #SE00-CR-08, Charles Hull, Property Owner, and James Coles, Applicant, property identified as PIN# 7825-75-5989-000, be, and is hereby, approved subject to the following conditions:

#### CONDITIONS

1. The driveway shall be constructed to a minimum width of 12 feet with grass shoulders.
2. Appropriately sized ditches along the driveway shall be constructed.
3. Access to the parcel shall be at a location approved by VDOT prior to subdivision approval.

#### **SPECIAL EXCEPTION – MARRIOTT INTERNATIONAL, INC., OWNER, AND JERRY COOPER, APPLICANT**

A public hearing was held to consider a request for special exception approval for Marriott International, Inc., Owner, and Jerry Cooper, Applicant, to amend a condition of an existing special exception to permit the division of approximately 33 acres from a 495-acre parcel. The property is part of Marriott Ranch, which is comprised of four parcels totaling 4,171 acres. The 495 acre parcel is zoned RA and RC and is located on either side of Hume Road (Route 635), PIN #6918-55-7748-000, Marshall District. Jerry Cooper spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

## RESOLUTION

### A RESOLUTION TO APPROVE SPECIAL EXCEPTION AMENDMENT

REQUEST #SEA00-M-02 MARRIOTT INTERNATIONAL, INC.,

PROPERTY OWNER JERRY COOPER, APPLICANT

WHEREAS, the Property Owner, Marriott International, Inc., and Applicant, Jerry Cooper, have filed an application to amend Condition #27 of Special Exception #SE92-M-06 to allow for the division of approximately 33 acres from a 495-acre parcel pursuant to Sections 3-309.15 and 3-309.16 (Outdoor Recreation—Spectator and Non-Spectator Field Events, Classes B & C) of the Fauquier County Zoning Ordinance, and as conditioned below; and

WHEREAS, the special exception amendment application of Marriott International, Inc., Property Owner, and Jerry Cooper, Applicant, has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence, both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for the special exception amendment as set forth in Article 5 of the Zoning Ordinance and the Board finds that the more restrictive standards of Sections 5-915 and 5-916 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on April 27, 2000, on this special exception amendment request and unanimously recommended approval of this special exception amendment request subject to the changes (noted by underline) in the existing conditions as outlined below; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on June 19, 2000, on this special exception amendment request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of June 2000, That Special Exception Amendment #SEA00-M-02, Marriott International, Inc., Property Owner, and Jerry Cooper, Applicant, property identified as PIN# 6918-55-7748-000, be, and is hereby, approved subject to the following conditions:

### CONDITIONS

1. Uses to which the property may be put under this special exception shall be

limited to the following: weddings and wedding receptions; company, corporate or organization picnic and barbecues; corporate retreats; trail rides with catered meals; youth group camping; equestrian events (cutting horse competitions and clinics at the Corral site). Uses other than these shall be allowed only upon approval by the Board of Supervisors or Board of Zoning Appeals for individual special exceptions or special permits. These events may be conducted either for profit or for charitable or community service organizations.

2. Except for youth group camping with a maximum limit of 45 campers at any one time on the Marriott Ranch property, the number of "Class B" events permitted in any calendar year shall not exceed one (1) and the attendance at any such "Class B" event shall not exceed 2,000 attendees per day.
3. The maximum number of "Class C" events permitted in any calendar week shall not exceed four (4) in excess of 25 persons and the total number of attendees in any week shall not exceed 500.
4. The total attendance for "Class B" and "Class C" events, combined, in any calendar year shall not exceed 16,000 persons.
5. Marriott Ranch shall maintain for an indefinite period event and attendance records and shall submit a report to the Zoning Administrator each month between April and November. This report shall include all events by type and number in attendance.
6. Events conducted under this special exception shall be conducted only from April 15 through November 15 in any calendar year.
7. With the exception of catered trail rides and charitable events, none of the events permitted under this special exception shall be open to the general public.
8. With the exception of overnight camping activities to be conducted at the two (2) designated camping sites (located along the Rappahannock River and off of Route 726 near the Trail Ride Barn), the hours of operation for all events shall be limited to the hours of 8:00 a.m. to 11:00 p.m.
9. Musical events will be conducted only between the hours of 12:00 Noon and 10:00 p.m. except at the Western Town, where an 11:00 p.m. limit shall be employed.
10. At all "Class B" events except for youth group camping, the applicant shall employ and have continuously on the premises a private emergency medical technician during the operation for each event.

11. At all events with greater than 25 attendees the applicant shall employ and have continuously on the premises a person trained in Cardio-Pulmonary Resuscitation (CPR).
12. Fire extinguishers meeting state and federal standards shall be provided at all event sites.
13. All grass areas used for parking shall be mowed and maintained so as to minimize the risk of vehicle and field fires.
14. The applicant shall require its employees and all invitees to strictly comply with State burning laws and copies of such laws shall be posted at the designated campsites and at other appropriate places.
15. The applicant shall, at all times, employ such number of persons as are necessary to facilitate the parking of vehicles and the control of those in attendance and, at events where attendance will exceed 500 persons, the applicant shall employ such number of off-duty deputies or other security personnel as are determined to be acceptable to the Zoning Administrator in consultation with the Fauquier County Sheriff's Office.
16. All on-site parking, entrances and other physical improvements will comply with the County's site plan regulations.
17. The applicant shall conform at all times to County Health Department regulations regarding sanitary sewerage facilities, food service, hand washing facilities and wells.
18. All uses under this special exception shall be conducted so as to meet all noise performance standards enumerated in Article IX of the County Zoning Ordinance. In addition, all events shall be conducted in such a manner that noise emissions will not exceed 50% of the decibel limits permitted by the County's noise regulations.
19. At all events with amplified music, the applicant shall employ noise attenuation devices which will include acoustical absorbing materials and shall have available noise measuring devices for use by the Sheriff's Office or other County officials.
20. The amplified sound system presently in use at The Corral shall be modified prior to any use under this special exception to use directional speakers, and that system shall be placed in use no more than 6 times in any calendar year.
21. All regular and contract employees shall be informed of the sound emissions limitations and shall be required to conform to same. A decibel metering system shall be purchased and utilized at all events with amplified sound.

22. All lighting shall be of the "downlight" type, shall be shielded, and redirected downward and inward, so as to eliminate glare from all adjacent properties.
23. Any parking illumination shall be limited to ground lighting.
24. In addition to any approvals and permits required by Sections 5-915.6 and 5-916.6 of the Zoning Ordinance the applicant shall obtain a VDOT permit for any event or series of events which will generate more than 250 attendees per day. VDOT, as a condition to issuance of a permit, may require such measures as are deemed necessary to protect public safety.
25. In the event flagmen are required by VDOT or the Sheriff's Office for traffic control, all persons so employed shall be so qualified by VDOT or the Sheriff's Office.
26. The applicant shall regularly, and no less than monthly, police both sides of the highway right-of-way and remove all litter and foreign materials along the applicant's entire frontage on Route 635.
27. Any reduction in acreage below 2,133; 831; 495 and 712 acres respectively, except for the dedication or condemnations of right-of-way for public purposes shall constitute a violation of this special exception, provided however that the Property Owner/Applicant shall be permitted to subdivide approximately 33 acres from the 495-acre parcel for sale to the Farm Manager, Mr. Jerry Cooper, upon the condition that an easement prohibiting future subdivision of the 33-acre parcel be recorded with the deed of subdivision.
28. This special exception shall be for a period of ten (10) years from the time of approval of this special exception application.

**SPECIAL EXCEPTION – ARROWOOD, LLC, OWNER, AND ROBERT H. SMITH, APPLICANT**

A public hearing was held to consider a request for special exception approval for Arrowood, LLC, Owner, and Robert H. Smith, Applicant, to amend a condition of an existing special exception to allow for two of the four apartments in Grafton Hall on Heronwood Farm to be leased to non-employees. The property is zoned RA, contains 379.22 acres, and is located on the west side of Rokeby Road (Route 623) immediately south of John Mosby Highway (Route 50), PIN #6064-62-7167-000, Marshall District. Richard Tally spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon***

***McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

## RESOLUTION

### A RESOLUTION TO APPROVE SPECIAL EXCEPTION AMENDMENT

#### REQUEST #SEA00-M-01 ARROWOOD LLC, PROPERTY OWNER

#### ROBERT H. SMITH, APPLICANT GRAFTON HALL—HERONWOOD FARM

WHEREAS, the Property Owner, Arrowood LLC, and Applicant, Robert H. Smith, have filed an application to amend Condition #1 of Special Exception #SE-22111 approved by the Board of Supervisors on July 30, 1985, to allow two (2) of the four (4) apartments in Grafton Hall to be leased to non-employees, pursuant to Section 3-307 (Adaptive Uses) of the Fauquier County Zoning Ordinance, and as conditioned below; and

WHEREAS, the special exception amendment application of Arrowood LLC, Property Owner, and Robert H. Smith, Applicant, has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence, both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for the special exception amendment as set forth in Article 5 of the Zoning Ordinance and the Board finds that the more restrictive standards of Sections 5-701 and 5-702 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on April 27, 2000, on this special exception amendment request and unanimously recommended approval of this special exception amendment request subject to the changes (noted by underline) in the existing conditions as outlined below; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on June 19, 2000, on this special exception amendment request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of June 2000, That Special Exception Amendment #SEA00-M-01, Arrowood LLC, Property Owner, and Robert H. Smith, Applicant, property identified as PIN# 6064-62-7167-000, be, and is hereby, approved subject to the following conditions:

#### CONDITIONS

1. Use of two (2) of the four (4) apartments for employees, guests and visitors in conjunction with farm operations only. The remaining two (2) apartments may be leased to non-employees.
2. Maintenance of exterior appearance of a single family dwelling.
3. Exception to be void if farm operation ceases.
4. Office to be used as a farm office only.

**SPECIAL EXCEPTION – PATRICIA ANN AND DR. ELOY ARENDS, OWNERS, AND JEFFREY D. LIPPINCOTT/WHISPERWOOD, LLC, APPLICANT**

A public hearing was held to consider a request for special exception approval for Patricia Ann and Dr. Eloy Arends, Owners, and Jeffrey D. Lippincott/Whisperwood, LLC, Applicant, to waive the public street requirement in residential zoning districts. The property is located at the intersection of Frytown Road (Route 674) and Atlee Road in the Warrenton Service District, PIN #6994-48-3480-000, Center District. Jeff Lippincott spoke in favor of the request. Dominic Paravano spoke in opposition. Jim Bearins said that he was concerned about potential buyers of these lots because of problems with flooding. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**RESOLUTION**

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION**

**REQUEST #SE99-C-45**

**WHISPERWOOD SUBDIVISION, SECTION II**

WHEREAS, Jeffrey D. Lippincott/Islands, LLC, applicant, is requesting special exception approval to waive the requirement for public sewer within the Warrenton Service District under Section 7-502 of the Zoning Ordinance; and

WHEREAS, the special exception application of Jeffrey D. Lippincott/Islands, LLC has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has filed a staff report, all indicating compliance with the general standards for special exceptions as set forth in Article 5 of the Zoning Ordinance and in conformance with Section 7-502 of the Zoning Ordinance; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on December 16, 1999, on this special exception request and recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That Special Exception #SE99-C-45, Whisperwood Subdivision, Phase II (PIN #6994-48-3480-000), be, and is hereby, approved.

#### **REVALIDATION FEES FOR PROPERTY ENROLLED IN THE SPECIAL ASSESSMENT FOR LAND PRESERVATION PROGRAM**

A public hearing was held to consider imposing a \$45.00 per parcel and \$0.25 per acre fee for revalidation of parcels enrolled in the Land Use Program. Barbara Severin asked Board members if contiguous parcels would be charged one fee or if a fee would be assessed for each parcel. Ross D'Urso, Commissioner of the Revenue, confirmed that one fee would be charged. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

#### **REDUCTION IN THE LANDFILL TIPPING FEE FOR SHREDDED TIRE MATERIAL**

A public hearing was held to consider reducing the landfill tipping fee to \$15.00 per ton for an estimated 24,000 tons per year of shredded tire material from Tri-Rinse, Inc. Jim Borland expressed concern that the tires would not be coming from shops and that the county should get assurance that no hazardous materials would be imported to the landfill. Mr. Borland also stated that he understood that \$50.00 per ton would be paid by the state for disposing of tires. He asked if the County would get the money or if it went to the hauler. James Waldron, President of Tri-Rinse, Inc., explained that his company would collect the \$50.00 per ton from the

State for disposing of the tires. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

## RESOLUTION

A RESOLUTION TO AUTHORIZE THE PRACTICE OF ALLOWING THE DEPARTMENT OF ENVIRONMENTAL SERVICES TO ACCEPT \$15 PER TON FOR AN ESTIMATED 24,000 TONS PER YEAR OF SHREDDED TIRE MATERIAL FROM TRI-RINSE, INC.

WHEREAS, the Environmental Services Department, as the agent for Fauquier County, plans to close the old landfill in CY 2005; and

WHEREAS, there is a continuing need for relatively flat well-drained land for use as athletic and multipurpose fields in Fauquier County; and

WHEREAS, it is estimated that it will take 120,000 to 150,000 tons of material to fill and landscape the old landfill to make it suitable for athletic fields; and

WHEREAS, Tri-rinse, Inc., who specializes in scrap tire abatement using a sophisticated shredding process, proposes to pay \$15.00 per ton to the Landfill Enterprise Fund for disposal of 24,000 tons per year, thereby generating annual revenue to the fund of \$360,000; and

WHEREAS, the proposal to charge TRI-Rinse \$15.00 per ton constitutes a reduction in the tipping fee from the current rate of \$38.00 per ton; and

WHEREAS, a change in tipping fees requires a public hearing in accordance with the County Code; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of June 2000, That the Department of Environmental Services be, and is hereby, authorized to reduce the tipping fee for Tri-Rinse, Inc. and accept \$15.00 per ton for an estimated 24,000 tons per year of Shredded Tire Material.

With no further business, the meeting was adjourned.

*Updated 7/26/2000.*